



PATENT

Attorney Docket No. 01165.0782-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Yoshinori KAMI et al.)	Group Art Unit: 1772
)	
Application No.: 09/530,447)	Examiner: M. Patterson
)	
Filed: April 28, 2000)	Confirmation No.: 6878
)	
For: AIR BAG)	

Attention: Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF UNDER 37 C.F.R. § 41.37(d)**

Contrary to the Examiner's statements set forth in the Notification of Non-Compliant Appeal Brief mailed January 12, 2007, it is respectfully submitted that appellants' brief is not defective but complies with every requirement of 37 C.F.R. § 41.37. As required, a concise explanation of each of the independent claims 9, 10, and 17 is set forth on pages 2 and 3 of the as-filed brief under the heading Summary of Claimed Subject Matter.

Nevertheless, in order to resolve promptly the matter, a replacement Summary of Claimed Subject Matter is attached pursuant to M.P.E.P. § 1205.03, paragraph(B). It contains further detail of the three items identified in the Notification and discussed hereinafter.

As described in the as-filed Summary section, each of the independent claims sets forth (directly or by reference) six properties or parameters for the filaments, yarns, and fabrics of the air bag. The Examiner states that the page and line numbers in the specification for the term “pick” have not been cited. Initially, it should be noted that 37 C.F.R. § 41.37(c)(1)(v) does not require that a page and line number be cited for every term in each independent claim. Only a summary (concise explanation) is required of the subject matter defined in each independent claim, which was originally provided.

The term “pick” appears in Table 1, p. 19, of the specification. This table was referenced in the as-filed Summary of Claimed Subject Matter on page 3, line 5, of the brief. By referring to “Fabric” in the left column and the row headed by “Weave Density” in this table, the term: “end or picks/2.54 cm” can be found. This further detail on the column and row location is now present in the attached Summary.

The Examiner also states that the page and line numbers for “fabric strength at break” have not been cited in the brief. In reply, attention is again invited to Table 1, p. 19, of the specification. Reference to this table was made in the as-filed Summary of Claimed Subject Matter on page 3, line 5 of the brief. In this table, under “Fabric” in the left column is the row entitled “Tensile Strength.” This further detail on the column and row locations is now present in the attached Summary. (Note that the numerical entries in this row span 740 to 1010, the range recited in each of claims 9, 10, and 17.)

The last reason stated by the Examiner for saying the brief was defective is not fully understood. The Examiner claims that the brief does not mention the phrase “the yarn containing a plurality of single filaments,” yet this feature of the yarn is clearly present, albeit not in those exact words.

In the as-filed Summary of Claimed Subject Matter, the third paragraph begins "Claim 9 also sets forth six properties or parameters for the filaments, yarns, and fabric of the air bag" (emphasis added). Note that reference is to plural "filaments," not to a single "filament." This reference to more than one filament (i.e., "plurality") continues two lines later with the clause that begins "each filament in the yarn." The word "each" refers to the recited plural filaments because if there were only one filament in the yarn, it would not be called "each," which implies more than one or a plurality. The attached Summary now specifically refers to a plurality of filaments.

The Examiner is requested to replace the as-filed Summary with the attached Summary and withdraw the Notification that the appeal brief is defective for being non-compliant.

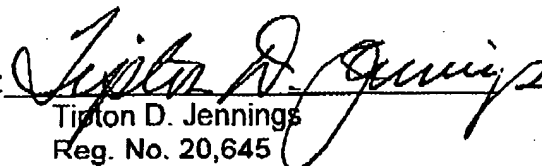
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16, 1.17, or 41.20 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 2, 2007

By:


Tipton D. Jennings
Reg. No. 20,645

Attachment: Summary of Claimed Subject Matter

Summary Of Claimed Subject Matter

Claims 9, 10, and 17 are the three independent claims involved in the appeal, each of which is directed to an air bag. Parenthetical references are to page and line numbers in the specification.

Claim 9 is an air bag formed of two woven fabrics interwoven with each other to be a bag-shaped body (p. 4, l. 29-31; p. 5, l. 17-20), the fabrics being composed of polyamide fiber yarns containing copper compounds at 30 to 200 ppm (p. 4, l. 31-33; p. 11, l. 19-22), in a mixture of halogenated alkali metal (p. 6, l. 28-33; p. 11, l. 10-18).

Claim 9 also sets forth six properties or parameters for the plurality of filaments, the yarns, and the fabrics of the air bag. These are total fineness of the yarn in the range of 66 decitex to 167 decitex; each of the plurality of filaments in the yarn having a fineness in the range of 1 to 3.3 decitex; the product of fabric fineness multiplied by weave density being not more than 16000 decitex•end or pick, respectively, /2.54 cm; the fabric having the load at 15% tensile elongation in the range of 3 to 35N/%/2.54cm; a tensile work at break in the range of 7000 to 30000 N•%/2.54 cm, and fabric strength at break in the range of 740 to 1010 N/2.54cm (p. 4, l. 34-p. 5, l. 14; p. 6, l. 18-25; p. 7, l. 6-8; p. 9, l. 2-8; p. 9, l. 24-27; p. 10, l. 9-13; Table 1, p. 19, including, in the left column under "Fabric," the row headed by "Weave Density" and the entire row headed by "Tensile Strength"; Table 2, p. 20).

Claim 10 is an air bag formed of a woven fabric, the fabric being sewn or bonded to have a three-dimensional contour (p. 5, l. 4-14; p. 6, l. 2-6). The fabric is composed of polyamide fiber yarns with the same copper compound and copper concentration as in claim 9, and the same pages and line numbers thus apply.

Claim 10 also sets forth the six properties or parameters for the plurality of filaments, the yarns, and the fabric of the air bag, and the same pages and line numbers thus apply.

Claim 17 is an air bag comprising a woven fabric (p. 4, l. 29-31; p. 5, l. 4-14; p. 5, l. 17-20; p. 6, l. 2-6). The fabric is composed of polyamide fiber yarns with the same copper compound and copper concentration as in claim 9, and the same pages and line numbers thus apply.

Claim 17 also sets forth the six properties or parameters for the plurality of filaments, the yarns, and the fabric of the air bag, and the same pages and line numbers thus apply.